United Nations S/2017/769

Security Council

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The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016), resolution 2356 (2017), resolution 2371 (2017) as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7), 16 April 2012 (S/PRST/2012/13), and 29 August 2017 (S/PRST/2017/16),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing its gravest concern at the nuclear test by the Democratic People's Republic of Korea ("the DPRK") on September 2, 2017 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), and 2371 (2017) and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Underlining once again the importance that the DPRK respond to other security and humanitarian concerns of the international community and *expressing* great concern that the DPRK continues to develop nuclear weapons and ballistic missiles by diverting critically needed resources away from the people in the DPRK who have great unmet needs,

Expressing its gravest concern that the DPRK's ongoing nuclear- and ballistic missile-related activities have destabilized the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

Underscoring its concern that developments on the Korean Peninsula could have dangerous, large-scale regional security implications,

Underscoring its commitment to the sovereignty, territorial integrity, and political independence of all States in accordance with the Charter, and *recalling* the purposes and principles of the Charter of the United Nations,

Expressing also its desire for a peaceful and diplomatic solution to the situation, and *reiterating* its welcoming of efforts by Council members as well as

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other Member States to facilitate a peaceful and comprehensive solution through dialogue,

Underlining the need to ensure international peace and security, and ensure lasting stability in north-east Asia at large and to resolve the situation through peaceful, diplomatic and political means,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on September 2 of 2017 in violation and flagrant disregard of the Security Council's resolutions;

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall immediately suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on all missile launches; shall immediately abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon any other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

Designations

3. *Decides* that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individual and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *decides* further that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall also apply to the individual listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

4. *Decides* to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) through the designation of additional WMD-related dual-use items, materials, equipment, goods, and technology, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to regularly update this list every twelve months;

5. *Decides* to adjust the measures imposed by paragraph 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006) through the designation of additional conventional arms-related items, materials, equipment, goods, and technology, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to regularly update this list every twelve months;

6. *Decides* to apply the measures imposed by paragraph 6 of resolution 2371 (2016) on vessels transporting prohibited items from the DPRK, *directs* the Committee to designate these vessels and to report to the Security Council within fifteen days of adoption of this resolution, *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to regularly update this list when it is informed of additional violations;

Maritime Interdiction of Cargo Vessels

7. *Calls upon* all Member States to inspect vessels with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, for the purpose of ensuring strict implementation of those provisions;

8. *Calls upon* all States to cooperate with inspections pursuant to paragraph 7 above, and, if the flag State does not consent to inspection on the high seas, *decides* that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 18 of resolution 2270 (2016), and *decides further* that, if a flag State neither consents to inspection on the high seas nor directs the vessel to proceed to an appropriate and convenient port for the required inspection, or if the vessel refuses to comply with flag State direction to permit inspection on the high seas or to proceed to such a port, then the Committee shall consider designating the vessel for the measures imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraph 12 of resolution 2321 (2016) and the flag State shall immediately deregister that vessel provided that such designation has been made by the Committee;

9. *Requires* any Member State, when it does not receive the cooperation of a flag State of a vessel pursuant to paragraph 8 above, to submit promptly to the Committee a report containing relevant details regarding the incident, the vessel and the flag State, and *requests* the Committee to release on a regular basis information regarding these vessels and flag States involved;

10. *Affirms* that paragraph 7 contemplates only inspections carried out by warships and other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect, and *underscores* that it does not apply with respect to inspection of vessels entitled to sovereign immunity under international law;

11. *Decides* that all Member States shall prohibit their nationals, persons subject to their jurisdiction, entities incorporated in their territory or subject to their jurisdiction, and vessels flying their flag, from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold, or transferred to or from the DPRK;

12. *Affirms* that paragraphs 7, 8 and 9 apply only with respect to the situation in the DPRK and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea of 10 December 1982, with respect to any other situation and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

Sectoral

13. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of all condensates and natural gas liquids, and *decides* that the DPRK shall not procure such materials;

14. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of all refined petroleum products, *decides* that the DPRK shall not procure such products, *decides* that this provision shall not apply with respect to procurement by the DPRK or the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of refined petroleum products in the amount of up to 500,000 barrels during an initial period of three months beginning on 1 October 2017 and ending on 31 December 2017, and refined petroleum products in the amount of up to 2,000,000 barrels per year during a period of twelve months beginning on 1 January 2018 and annually thereafter, provided that (a) the Member State notifies the Committee every thirty days of the amount of such supply, sale, or transfer to the DPRK of refined petroleum products along with information about all the parties to the transaction, (b) the supply, sale, or transfer of refined petroleum products involve no individuals or entities that are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, including designated individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions, and (c) the supply, sale, or transfer of refined petroleum products are exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, *directs* the Committee Secretary to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 75 per cent of the aggregate amount for the period between 1 October 2017 and 31 December 2017 has been reached, and again notify all Member States when 90 percent and 95 percent of such aggregate amount has been reached, *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 75 per cent of the aggregate yearly amounts have been reached, also *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 90 per cent of the aggregate yearly amounts have been reached, and *further directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 95 per cent of the aggregate yearly amounts have been reached and to inform them that they must immediately cease selling, supplying, or transferring refined petroleum products to the DPRK for the remainder of the year, *directs* the Committee to make publicly available on its website the total amount of refined petroleum products sold, supplied, or transferred to the DPRK by month and by source country, *directs* the Committee to update this information on a real-time basis as it receives notifications from Member States, *calls upon* all Member States to regularly review this website to comply with the annual limits for refined petroleum products established by this provision, *directs* the Panel of Experts to closely monitor the implementation efforts of all Member States to provide assistance and ensure full and global compliance, and *requests* the Secretary-General to make the necessary arrangements to this effect and provide additional resources in this regard,

15. *Decides* that all Member States shall not supply, sell, or transfer to the DPRK in any period of twelve months after the date of adoption of this resolution an amount of crude oil that is in excess of the amount that the Member State supplied, sold or transferred in the period of twelve months prior to adoption of this resolution, unless the Committee approves in advance on a case-by-case basis a shipment of crude oil is exclusively for livelihood purposes of DPRK nationals and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution;

16. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, textiles (including but not limited to fabrics and partially or fully completed apparel products), and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, unless the Committee approves on a case-by-case basis in advance, and further *decides* that for such sales, supplies, and transfers of textiles (including but not limited to fabrics and partially or fully completed apparel products) for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 90 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 135 days after the date of adoption of this resolution;

17. *Decides* that all Member States shall not provide work authorizations for DPRK nationals in their jurisdictions in connection with admission to their territories unless the Committee determines on a case-by-case basis in advance that employment of DPRK nationals in a member state's jurisdiction is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), or this resolution, and *decides* that this provision shall not apply with respect to work authorizations for which written contracts have been finalized prior to the adoption of this resolution;

Joint Ventures

18. *Decides* that States shall prohibit, by their nationals or in their territories, the opening, maintenance, and operation of all joint ventures or cooperative entities, new and existing, with DPRK entities or individuals, whether or not acting for or on behalf of the government of the DPRK, unless such joint ventures or cooperative entities, in particular those that are non-commercial, public utility infrastructure projects not generating profit, have been approved by the Committee in advance on a case-by-case basis, *further decides* that States shall close any such existing joint venture or cooperative entity within 120 days of the adoption of this resolution if such joint venture or cooperative entity has not been approved by the Committee on a case-by-case basis, and States shall close any such existing joint venture or cooperative entity within 120 days after the Committee has denied a request for approval, and *decides* that this provision shall not apply with respect to existing China-DPRK hydroelectric power infrastructure projects and the Russia-DPRK Rajin-Khasan port and rail project solely to export Russia-origin coal as permitted by paragraph 8 of resolution 2371 (2017);

Sanctions Implementation

19. *Decides* that Member States shall report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the

Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts, in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist Member States in preparing and submitting such reports in a timely manner;

20. *Calls upon* all Member States to redouble efforts to implement in full the measures in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), and this resolution and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions;

21. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution 1718 (2006), shall apply with respect to the measures imposed in this resolution and *further decides* that the mandate of the Panel of Experts, as specified in paragraph 26 of resolution 1874 (2009) and modified in paragraph 1 of resolution 2345 (2017), shall also apply with respect to the measures imposed in this resolution;

22. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), or this resolution that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Development of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972;

23. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

Political

24. *Reiterates* its deep concern at the grave hardship that the people in the DPRK are subjected to, *condemns* the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs, and *emphasizes* the necessity of the DPRK respecting and ensuring the welfare and inherent dignity of people in the DPRK;

25. *Regrets* the DPRK's massive diversion of its scarce resources toward its development of nuclear weapons and a number of expensive ballistic missile programs, *notes* the findings of the United Nations Office for the Coordination of Humanitarian Assistance that well over half of the people in the DPRK suffer from major insecurities in food and medical care, including a very large number of pregnant and lactating women and under-five children who are at risk of malnutrition and nearly a quarter of its total population suffering from chronic

malnutrition, and, in this context, *expresses* deep concern at the grave hardship to which the people in the DPRK are subjected;

26. *Reaffirms* that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) and this resolution, and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK and *decides* that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions;

27. *Emphasizes* that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;

28. *Reaffirms* its support for the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

29. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, *expresses* its commitment to a peaceful, diplomatic, and political solution to the situation, and *welcomes* efforts by the Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond;

30. *Urges* further work to reduce tensions so as to advance the prospects for a comprehensive settlement;

31. *Underscores* the imperative of achieving the goal of complete, verifiable and irreversible denuclearization of the Korean Peninsula in a peaceful manner;

32. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

33. *Decides* to remain seized of the matter.

Annex I

Travel Ban/Asset Freeze (Individuals)

1. PAK YONG SIK

   a. *Description*: Pak Yong Sik is a member of the Workers' Party of Korea Central Military Commission, which is responsible for the development and implementation of the Workers' Party of Korea military policies, commands and controls the DPRK's military, and helps direct the country's military defense industries.

   b. *AKA*: n/a

   c. *Identifiers*: YOB: 1950; Nationality: DPRK

Annex II

Asset Freeze (Entities)

1. CENTRAL MILITARY COMMISSION OF THE WORKERS' PARTY OF KOREA (CMC)

   a. *Description*: The Central Military Commission is responsible for the development and implementation of the Workers' Party of Korea's military policies, commands and controls the DPRK's military, and directs the country's military defense industries in coordination with the State Affairs Commission.

   b. *AKA*: n/a

   c. *Location*: Pyongyang, DPRK

2. ORGANIZATION AND GUIDANCE DEPARTMENT (OGD)

   a. *Description*: The Organization and Guidance Department is a very powerful body of the Worker's Party of Korea. It directs key personnel appointments for the Workers' Party of Korea, the DPRK's military, and the DPRK's government administration. It also purports to control the political affairs of all of the DPRK and is instrumental in implementing the DPRK's censorship policies.

   b. *AKA*: n/a

   c. *Location*: DPRK

3. PROPAGANDA AND AGITATION DEPARTMENT (PAD)

   a. *Description*: The Propaganda and Agitation Department has full control over the media, which it uses as a tool to control the public on behalf of the DPRK leadership. The Propaganda and Agitation Department also engages in or is responsible for censorship by the Government of the DPRK, including newspaper and broadcast censorship.

   b. *AKA*: n/a

   c. *Location*: Pyongyang, DPRK